HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 22902 of 2004

Dated: 01-08-2007

Between:

Kethireddy Vijaykumar Reddy

..... PETITIONER

AND

Central Power Distribution Company of A.P. Ltd,
Rep., by its Assistant Divisional Engineer,
Nalgonda.

.....RESPONDENT

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 22902 of 2004

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondent in disconnecting the power supply to the service connection No.145 belonging to the petitioner without issuing notice for the alleged non-compliance of conditions in Criminal M.P.No.342 of 2004 on the file of the I Additional Sessions Judge, Nalgonda as arbitrary and illegal.

Heard Sri Ganta Rama Rao, learned counsel for the petitioner and Sri A.B.S. Reddy representing learned standing counsel Sri V.Ajaykumar for the respondent.

At the hearing, Sri Ramarao submitted that in pursuance of the interim directions granted by this Court on 09-12-2004, the power supply was restored and that subsequently the Mill has become sick and was closed.

Learned counsel for the respondent submitted that the power supply was disconnected on account of the pilferage indulged in by the petitioner and a final assessment was made vide proceedings dated 30-08-2004 by the Superintending Engineer, Assessment Andhra Pradesh Central Power Distribution Company Limited and that for non-payment of the amount demanded under the said proceedings, the power supply was

disconnected.

Sri Ganta Ramarao disputed the claim of the learned counsel and submitted that so far no final assessment order was served on the petitioner.

Keeping in view the limited relief sought for by the petitioner in the writ petition, I refrain from going into the controversy whether a final assessment was made and if so whether a copy of the said proceedings was served on the petitioner.

In view of the fact that the power supply was already restored, which is the substantive prayer sought for in the writ petition, the cause in the writ petition does not survive for consideration.

In view of the same, the writ petition is dismissed as infructuous. However, liberty is given to the petitioner to pursue his remedies in the event the respondent seeks to take action against him for recovery of the alleged dues under the final assessment order. No costs.

C.V.NAGARJUNA REDDY,J

Date: 01-08-2007
KLP